

Message

From: Bohan, Suzanne [bohan.suzanne@epa.gov]
Sent: 5/8/2018 11:30:07 PM
To: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Davies, Lauris [Davies.Lauris@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]
Subject: RE: Your Input is requested by ECOS-EPA Compliance Assurance Workgroup

Michelle –

Thank you for your help with this effort!

Suzanne

Suzanne J. Bohan

Assistant Regional Administrator/ Office of Enforcement, Compliance and Environmental Justice/ U.S. EPA, Region 8

Work: 303.312.6925 | Fax: 303-312-6882 | Bohan.suzanne@epa.gov

From: Pirzadeh, Michelle
Sent: Tuesday, May 8, 2018 5:10 PM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>
Cc: Davies, Lauris <Davies.Lauris@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>
Subject: FW: Your Input is requested by ECOS-EPA Compliance Assurance Workgroup

Hi Suzanne,

Here is a response from Idaho. I was also expecting input from Washington and Oregon (based on early email replies from them). I am checking back with them now, will forward any additional input we receive.

Michelle

Michelle L. Pirzadeh
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From: Jess.Byrne@deq.idaho.gov [<mailto:Jess.Byrne@deq.idaho.gov>]
Sent: Tuesday, May 08, 2018 2:48 PM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: larry.hartig@alaska.gov; Kowalski, Edward <Kowalski.Edward@epa.gov>; Davies, Lauris <Davies.Lauris@epa.gov>; saltieri@ecos.org; John.Tippets@deq.idaho.gov
Subject: RE: Your Input is requested by ECOS-EPA Compliance Assurance Workgroup

Michelle—

My apologies for being late in responding back to you. We solicited feedback from our Air, Water, and Waste Divisions and don't have a lot of new ideas, but hopefully the information is helpful.

For question #1, we do not currently have any real innovative, outcome-based compliance assurance measures. We do track compliance rates and are putting a renewed emphasis on compliance rates as part of our current strategic planning efforts. Two ways we are focusing on making improvements to compliance rates are 1) implementing more permit handoffs across all programs and 2) conducting more technical assistance workshops.

For question #2, in general we would likely be supportive of trying any pilots, but our groups seemed most interested in various ideas similar to a "Find and Fix" pilot. Additionally, just as an FYI, our drinking water program uses an "auto-dialer" system that they liken to a "Remind and Assist" approach which will call or e-mail (or both) the primary contact for our drinking water facilities to let them know items are coming due such as monitoring requirement, public notifications, etc. It has been very effective since implementing and has reduce our failure to monitor violations by 48% since implemented.

Beyond those general comments, below I've cut and paste some more specific thoughts from our Waste & Remediation Division.

The Hazardous Waste Program measures outputs (number of inspections) rather than outcomes. The Hazardous Waste Program is interested in the pilot project mentioned below:

3) Enhanced self-monitoring by regulated entities to substitute for less frequent government on-site inspections;

Colorado apparently has had success in the form of increased compliance rates with a hazardous waste Small Quantity Generator self-certification program. Since DEQ is going to a performance measure related to improvement of compliance rates, the program would be very interested in hearing Colorado's latest take on their program and potentially trying it Idaho. Here is some info on the Colorado program:

[http://www.newmoa.org/events/docs/73_72/Self-Certification_Results_Presentation_edits_KL_\(2\).pdf](http://www.newmoa.org/events/docs/73_72/Self-Certification_Results_Presentation_edits_KL_(2).pdf)

The Hazardous Waste Program would consider testing new compliance assurance approaches that enhance self-monitoring by regulated entities in exchange for less frequent government on-site inspections. One example would be a Small Quantity Generator (SQG) self-certification program, such as the program implemented in Colorado, that has been shown to be successful at increasing compliance rates.

The Solid Waste Program measures outputs (number of inspections) rather than outcomes. The Solid Waste Program is interested in the pilot projects mentioned below:

1) Program specific opportunities to test the effectiveness of "find and fix" to quickly resolve non-serious noncompliance. Find and Fix refers to when a government inspection detects a non-serious violation and the facility quickly remedies it either during the inspection or documents the remedy shortly thereafter.

During annual inspections of solid waste facilities by the local health district or the 3-5 Year Inspections by DEQ & local health districts, paper work issues or other minor violations that do not impact human health or the environment and are quickly resolved are noted, but enforcement and/or follow-up inspections are withheld.

2) Environmental self-audit initiatives to incentivize regulated entities to voluntary self-disclose noncompliance with specific environmental requirements in a particular program found through their own environmental audits and return facilities to compliance.

The Solid Waste Program would consider testing solid waste facility self-audit checklists to incentivize regulated entities to voluntarily self-disclose noncompliance with specific environmental requirements found through their own facility audits. DEQ and/or the health district would work with the owner/operator to return the facilities to compliance.

The UST Program already does outcome-based compliance measures, including identification of common violations, compliance with financial responsibility requirements, compliance with leak detection requirements, compliance with prevention requirements, full compliance, as well as identification of new petroleum releases. ECOS already has Idaho's data. Regarding pilot projects, the UST program is focused on the upcoming rule deadlines, state program approval (SPA) application, and implementation of the fee program.

There is some opportunity to more formally implement some processes (e.g., find and fix, self-disclosure, and increased/decreased visits based on compliance) within the compliance programs.

Please let me know if you have any questions or if we can be of any further assistance!

Best regards,
Jess

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From: Pirzadeh, Michelle [<mailto:Pirzadeh.Michelle@epa.gov>]
Sent: Thursday, April 12, 2018 6:27 AM
To: maia.bellon@ecy.wa.gov; whitman.richard@deq.state.or.us; John Tippets
Cc: larry.hartig@alaska.gov; Hladick, Christopher; Jess Byrne; FELDON Leah; pzeh461@ecy.wa.gov; Alice.Edwards@alaska.gov; Kowalski, Edward; Davies, Lauris
Subject: Your Input is requested by ECOS-EPA Compliance Assurance Workgroup

Hello John, Maia, and Richard (and cc to Larry as he is co-leading this workgroup),

At its meeting on March 19th, the ECOS-EPA Compliance Assurance Workgroup asked EPA regional offices to solicit voluntary input from their states on two matters: 1) outcome-based compliance assurance measures states are using today as well as those you tried or considered that did not work; and 2) ideas for state pilot projects that you would consider performing to evaluate the effectiveness of innovative, measurable compliance assurance approaches. This information will be used by the ECOS-EPA Workgroup to make recommendations for new EPA outcome-based compliance assurance measures and to test new compliance assurance approaches beyond our traditional single facility assistance, inspection and enforcement tools in achieving environmental outcomes.

Potential pilot projects could be most valuable in specific programs where we think our status quo approaches are not sufficient to identify and remedy noncompliance. Pilot projects could include:

- 1) Program specific opportunities to test the effectiveness of “find and fix” to quickly resolve non-serious noncompliance. Find and Fix refers to when a government inspection detects a non-serious violation and the facility quickly remedies it either during the inspection or documents the remedy shortly thereafter.
- 2) Environmental self-audit initiatives to incentivize regulated entities to voluntarily self-disclose noncompliance with specific environmental requirements in a particular program found through their own environmental audits and return facilities to compliance;
- 3) Enhanced self-monitoring by regulated entities to substitute for less frequent government on-site inspections; and
- 4) New ways to reliably measure the compliance rate in a particular program or sector (EPA is moving forward with a Clean Water Act NPDES compliance rate measure this year and is interested in developing options for another national compliance rate efforts in FY2019).

We would value your input, so please provide your state's feedback to me by Monday, April 30th and I will forward this information to the ECOS-EPA Compliance Assurance Workgroup. If you have specific questions, please contact the Workgroup's performance measures team: Larry Hartig, Commissioner, Alaska Department of Environmental Conservation, at larry.hartig@alaska.gov, or Suzanne Bohan, EPA Region 8 Assistant Regional Administrator for the Office of Enforcement, Compliance, and Environmental Justice, at Bohan.suzanne@epa.gov or 303-312-6925.

Thank you,

Michelle

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